**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN**

**TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942**

**WP(C).No.28822 OF 2020(C)**

**PETITIONERS:**

1 ABDUL HAMEED N.P
AGED 56 YEARS
H.S.T. (URDU), C.M.M.HIGHER SECONDARY SCHOOL, THALAKALATHOOR, KOZHIKODE-673317, NOW RESIDING AT VANAKUNNUMMEL HOUSE, MALAYAMMA P.O., N.I.T.VIA, KOZHIKODE-673601.

2 SHEELA P.K.,
H.S.T. (PHYSICAL SCIENCE), C.M.M.HIGHER SECONDARY SCHOOL, THALAKALATHOOR, KOZHIKODE-673317, NOW RESIDING AT THRIPTHI, P.O.KOLAKKAD, ATHOLI, KOZHIKODE DIST.-673315.

3 SHABNA S.M.,
H.S.T. (MALAYALAM), C.M.M.HIGHER SECONDARY SCHOOL, THALAKALATHOOR, KOZHIKODE-673317, RESIDING AT 'SALIM MANZIL', KALLILPEEDIKA, VENGOLAM P.O., KOZHIKODE-673303.

BY ADVS.
SRI.P.J.MATHEW
SRI.EBIN MATHEW

**RESPONDENTS:**

1 THE STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF GENERAL EDUCATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.

2 THE DIRECTOR OF GENERAL EDUCATION,
JAGATHY, THIRUVANANTHAPURAM-695014.

3 DEPUTY DIRECTOR OF EDUCATION,
KOZHIKODE-673001.

4 DISTRICT EDUCATIONAL OFFICER,
KOZHIKODE-673001.

SRI. UNNIKRISHNA KAIMAL,GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

The petitioners are stated to be working as High School Teachers in the C.M.M. Higher secondary School and they have approached this Court impugning Exts.P2 and and P3, to the extent to which, they have been found guilty of having made bogus and fictitious admissions to the School. They, therefore, pray that Exts.P2 and P3 be set aside, but concede that they have preferred Ext.P4 statutory Revision before the 1st respondent - State of Kerala under the provisions of Chapter XXIII Rule 12(f) of the Kerala Education Act and Rules (KER for short); and alternatively pray that the same be directed to be taken up and disposed of at the earliest.

2. In response to the afore submissions made on behalf of the petitioners by their learned counsel - Shri.P.J.Mathew, the learned Government Pleader - Sri.Unnikrishna Kaimal, submitted that since the petitioners have already invoked their alternative statutory

remedy, this Court may not consider their contentions on its merits and permit the competent Secretary of the Government of Kerala to consider Ext.P4 statutory Revision as per law. He further prayed that this Court may not make any affirmative declarations on the entitlement of the petitioners to any relief and leave it to the competent Authority to take a final decision thereon as per law.

3. When I consider the afore submissions, it is without doubt that even though the petitioners have made various allegations and averments in this Writ Petition, the same cannot be looked into by this Court on its merits at this stage because, admittedly, they have invoked their alternative statutory remedy by preferring Ext.P4 Revision before the Government of Kerala. I am, therefore, of the firm view that the said Authority must be directed to dispose of the same as per law.

In the afore circumstances, I order this writ petition and direct the competent

Secretary of the Government of Kerala to take up and consider Ext.P4 Revision of the petitioners and dispose of the same after affording them an opportunity of being heard – either physically or through video conferencing – thus culminating in an appropriate order thereon, as expeditiously as is possible, but not later than three months from the date of receipt of a copy of this judgment.

Needless to say, until such time as the afore exercise is completed and the resultant order is communicated to the petitioners, all further action pursuant to Exts.P2 and P3 will stand deferred.

**Sd/-**

**DEVAN RAMACHANDRAN**

**JUDGE**

**MC/23.12.2020**

# APPENDIX

**PETITIONER'S/S EXHIBITS:**

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| EXHIBIT P1 | TRUE COPY OF THE NOTICE DATED 21.2.2019 ISSUED BY THE DIRECTOR OF GENERAL EDUCATION. |
| EXHIBIT P2 | TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DATED 31.12.2019. |
| EXHIBIT P3 | TRUE COPY OF THE ORDER OF THE 3RD RESPONDENT DATED 5.10.2020. |
| EXHIBIT P4 | A TRUE COPY OF REVISION PETITION (WITHOUT ANNEXURES) DATED 7.12.2020. |

**RESPONDENT'S/S EXHIBITS:**

NIL

MC

(TRUE COPY) PA TO JUDGE